



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** McWane & Company

**File No.:** B-259155

**Date:** November 16, 1994

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### DECISION

McWane & Company, Inc. protests the award of a contract to Lam Associates, Inc. by the Department of State under request for proposal No. S-OPRAQ-93-R-0002.

We dismiss the protest as untimely because it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest. McWane became aware of its basis for protest on October 11, 1994 at a post award debriefing. Our Office did not receive the protest until October 28, more than 10 days after the basis was known.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). In this regard, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 10-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.-Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".  
Ronald Berger  
Associate General Counsel